

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VICTOR A. BLYTHE,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

5:97-CV-547
93-CR-126

APPEARANCES:

OF COUNSEL:

VICTOR A. BLYTHE

Pro se

Unit A-3

CI Moshannon Valley Correctional Center

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GRANT C. JAQUITH

Assistant U.S. Attorney

Neal P. McCurn, Senior District Judge

ORDER


On June 25, 2009, this court issued a Memorandum, Decision and Order

denying a motion by petitioner, Victor A. Blythe, to reopen the January 21, 1998 denial of his motion to vacate, set aside or modify his sentence pursuant to 28 U.S.C. § 2255. Presently before the court is Petitioner's application for a certificate of appealability. See Dkt. No. 23. Petitioner's application for a certificate of appealability is hereby DENIED as he has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

The Clerk of the Court is directed to serve a copy of this Order by regular mail to petitioner, Victor A. Blythe.

IT IS SO ORDERED.

DATED: September 29, 2009
Syracuse, New York



Neal P. McCurn
Senior U.S. District Judge